

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON,

Plaintiff,

v.

HENRY ROSENAU

Defendant.

No. CR06-157MJP

[PROPOSED] ORDER
GRANTING MOTION
TO SUPPRESS

This matter having come on before the undersigned Court on the motion of the Defendant for an Order suppressing all fruits of the unlawful search and seizure and/or the inadmissible statements pursuant to the Fourth and Fifth Amendments.

Having considered the files and records herein, and pleadings of the parties, the Court hereby grants the Defendant's motion to suppress 1) all physical evidence obtained, including all fruits of the search and seizure conducted in violation of the Fourth Amendment and/or the 2) statements obtained in violation of the Fifth Amendment and *Miranda*.

Specifically, the following evidence obtained during the questioning and search of Mr. Rosenau, the search of the helicopter located nearby, the storage shed and Mr. Rosenau's surroundings conducted on September 21, 2005 by RCMP Constable Kachur, or by any other

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ROSENAU/CR06-157MJP

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1 participating RCMP personnel at that time and date, is hereby ordered suppressed, and will not
2
3 be allowed to be introduced into evidence during presentation of the Government's case in chief:
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5 1. All statements allegedly made by Henry Rosenau to Constable Kachur or to any other law
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7 enforcement personnel during his questioning on September 21, 2005.
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9 2. All physical evidence obtained or seized by Constable Kachur, or any other law enforcement
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11 personnel during the search conducted of Mr. Rosenau's surroundings on September 21, 2005,
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13 including satellite phones, gym bags, a firearm, a GPS device and the digital information stored
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15 on that device, including GPS coordinates, a blackberry, and all other physical evidence seized
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17 during the search of Mr. Rosenau and the helicopter.
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19 SO ORDERED this _____ day of September, 2011.
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23 _____
24 MARSHA J. PECHMAN
25 United States District Court Judge
26

27 Presented by:
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29 s/ Craig Platt
30 CRAIG PLATT
31 Attorney for Defendant
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